

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BRUNO J. GRINIS

Plaintiff,

v.

**P.O. F. BLACK, Star No. 7322, an
UNKNOWN AND UNNAMED CHICAGO
POLICE OFFICERS, and the CITY OF
CHICAGO,**

Defendants.

Case No.:

COMPLAINT FOR
VIOLATION OF CIVIL RIGHTS
AND SUPPLEMENTAL STATE
CLAIMS

JURY DEMANDED

COMPLAINT

JURISDICTION AND VENUE

1. This action arises under the United States Constitution and the Civil Rights Act of 1871 [42 U.S.C. Section 1983]. This court has jurisdiction under and by virtue of 28 U.S.C. Sections 1343, 1331, and 1367.

2. Venue is founded in this judicial court upon 28 U.S.C. Section 1391 as the acts complained of arose in this district.

PARTIES

3. At all times herein mentioned, Plaintiff BRUNO J. GRINIS ("Grinis") was and now is a citizen of the United States.

4. At all times herein mentioned, Defendants P.O. F. BLACK Star No. 7619 ("Black") or ("Defendant"), and UNKNOWN AND UNNAMED CHICAGO POLICE OFFICERS, were members of the City of Chicago Police Department, and were acting under color of state law and as the employees, agents or representatives of the City of Chicago. These officers are being sued in their individual/personal capacities.

5. At all times herein mentioned, the CITY OF CHICAGO was a political division of the State of Illinois, existing as such under the laws of the State of Illinois. At all relevant times, the City of Chicago maintained, managed, and/or operated the City of Chicago Police Department.

FACTUAL ALLEGATIONS

6. On November 5, 2007, Plaintiff was at the location of John Stroger Hospital, 1901 W. Harrison, Chicago, Illinois 60612.

7. At that place and date, Defendants arrived at Plaintiff's location.

8. Defendants then made an unlawful arrest of Plaintiff.

9. Plaintiff was handcuffed, subjected to excessive force by being hit and shoved, searched, detained, and arrested and then transported to a police station. There was no probable or legal cause for these actions by Defendants.

10. Plaintiff was then charged and then prosecuted for resisting a peace officer and disorderly conduct. There was no legal cause to believe that Plaintiff should be charged with any crime.

11. All criminal charges against the Plaintiff were terminated in Plaintiff's favor.

12. Plaintiff did not consent to any of the acts above described.

13. By reason of the above-described acts and omissions of Defendants, Plaintiff sustained physical injuries, humiliation, and indignities, and suffered great physical, mental, and emotional pain and suffering all to his damage in an amount to be ascertained.

14. The aforementioned acts of Defendants were willful, wanton, malicious, oppressive and done with reckless indifference to and/or callous disregard for Plaintiff's rights

and justify the awarding of exemplary and punitive damages in an amount to be ascertained according to proof at the time of trial.

15. By reason of the above-described acts and omissions of Defendants, Plaintiff was required to retain an attorney to institute, prosecute and render legal assistance to him in the within action so that he might vindicate the loss and impairment of his rights. By reason thereof, Plaintiff requests payment by defendants of a reasonable sum for attorney's fees pursuant to 42 U.S.C. Section 1988, the Equal Access to Justice Act or any other provision set by law.

COUNT I

PLAINTIFF AGAINST THE INDIVIDUAL DEFENDANTS FOR THE CIVIL RIGHTS CLAIM OF FALSE ARREST

16. Plaintiff hereby incorporates and re-alleges paragraphs one (1) through fifteen (15) as though fully alleged at this place.

17. By reason of Defendants' conduct, Plaintiff was deprived of rights, privileges and immunities secured to him by the Fourth Amendment to the Constitution of the United States and laws enacted thereunder.

18. Defendants caused the arrest of Plaintiff unreasonably and without probable or any legal cause to believe that Plaintiff had committed any crime. Therefore, Defendants and each of them are liable for false arrest under 42 U.S.C. § 1983.

COUNT II

PLAINTIFF AGAINST THE INDIVIDUAL DEFENDANTS FOR THE CIVIL RIGHTS CLAIM OF UNLAWFUL SEARCH

19. Plaintiff hereby incorporates and re-alleges paragraphs one (1) through fifteen (15) as though fully set forth at this place.

20. By reason of Defendants' conduct, Plaintiff was deprived of rights, privileges and immunities secured to them by the Fourth and/or Fourteenth Amendment to the Constitution of the United States and laws enacted thereunder.

21. Defendants unlawfully searched Plaintiff without Plaintiff's consent, unreasonably, and without legal cause. Therefore, Defendants, and each of them, are liable for an unlawful search under 42 U.S.C. § 1983.

COUNT III

PLAINTIFF AGAINST THE INDIVIDUAL DEFENDANTS FOR THE CIVIL RIGHTS CLAIM OF EXCESSIVE FORCE

22. Plaintiff hereby incorporates and re-alleges paragraphs one (1) through fifteen (15) as though fully set forth at this place.

23. By reason of Defendants' conduct, Plaintiffs were deprived of rights, privileges and immunities secured to them by the Fourth Amendment to the Constitution of the United States and laws enacted thereunder.

24. The violence inflicted upon Plaintiffs was unnecessary and unreasonable and was therefore in violation of Plaintiffs' Fourth Amendment Rights. Specifically, all of the force described above was without legal cause and constituted unnecessary and unreasonable excessive force. Therefore, Defendants are liable to Plaintiff pursuant to 42 U.S.C. § 1983.

COUNT IV

PLAINTIFF AGAINST ALL DEFENDANTS FOR SUPPLEMENTAL CLAIMS OF ASSAULT, FALSE ARREST, AND MALICIOUS PROSECUTION

25. Plaintiff hereby incorporates and re-alleges paragraphs one (1) through fifteen (15) as though fully alleged at this place.

26. Defendants, and each of them, caused Plaintiff to be assaulted, falsely arrested, and a criminal prosecution to commence against Plaintiff.

27. Defendants, police officers employed by the City of Chicago, maliciously commenced and caused to be continued a criminal action against the plaintiffs without probable or any legal cause for the institution and continuation of these proceedings. As a result, plaintiff was injured emotionally and otherwise from the loss of certain constitutionally protected liberty and related rights.

28. Defendants facilitated this malicious prosecution by the creation of false evidence and by giving false police reports.

29. The criminal proceedings were terminated in the plaintiffs' favor.

30. The City of Chicago is liable as a result of *respondeat superior*.

31. Therefore, Defendants, and each of them, are liable under the state supplemental claims of assault, false arrest, and malicious prosecution.

WHEREFORE, Plaintiff, Bruno Grinis, by and through his attorneys, Ed Fox & Associates, request judgment as follows against Defendants, and each of them on all claims:

1. That Defendants be required to pay the Plaintiff, general damages, including emotional distress, in a sum to be ascertained;

2. That Defendants be required to pay the Plaintiff special damages in a sum to be ascertained;

3. That Defendants, except the City of Chicago, be required to pay Plaintiffs attorneys' fees pursuant to Section 1988 of Title 42 of the United States Code, the Equal Access to Justice Act or any other applicable provision (except not on Count III);

4. That Defendants Derouin and Stoll be required to pay Plaintiff's punitive and exemplary damages in a sum to be ascertained;

5. That Defendants be required to pay Plaintiff's costs of the suit herein incurred;
and
6. That Plaintiff have such other and further relief as this Court may deem just and proper.

By: /s/ Leslie C. McCoy
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PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

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